

IV. DETERMINATION OF EFFECT FOR LISTED BIRD SPECIES

Piping plover (*Charadrius melodus*)

Jamaica Beach has determined that the proposed beach nourishment project is **NOT LIKELY TO ADVERSELY AFFECT PIPING PLOVERS** for the following reasons. Construction will occur in the months of May and/or June, when plovers are on their northern breeding grounds. No nourishment activities will occur on designated critical habitat, and any alterations made to the beach habitat are expected to be temporary. Organisms in the beach and dune system, including the piping plover's food sources, are believed to recover quickly from beach nourishment activities.

Eastern brown pelican (*Pelecanus occidentalis carolinensis*)

Jamaica Beach has determined that the proposed beach nourishment project is **NOT LIKELY TO ADVERSELY AFFECT EASTERN BROWN PELICANS**. While eastern brown pelicans do roost and feed on or near Galveston County beaches, there is sufficient adjacent habitat to support this species should they be temporarily displaced as a result of project activities. Furthermore, the proposed beach nourishment will not alter the habitat in such a way that prevents its further use by this species.

V. DETERMINATION OF EFFECT FOR LISTED SEA TURTLE SPECIES

Jamaica Beach has determined that the proposed beach nourishment project will have **NO EFFECT ON GREEN SEA TURTLES, ATLANTIC HAWKSBILL SEA TURTLES OR LEATHERBACK SEA TURTLES**. None of these species have been documented nesting on the upper Texas coast, Galveston County or the project area.

Jamaica Beach has determined that the proposed beach nourishment project is **NOT LIKELY TO ADVERSELY AFFECT LOGGERHEAD SEA TURTLES**. Only minimal nesting has been documented on the upper Texas coast and Galveston County and no nests have been documented on the project area.

On April 19, 2005, the Corps of Engineers notified Jamaica Beach that Department of Army Permit No. 23573, was approved subject to the following special condition: No beach nourishment activities or any other work will be conducted during the Kemp's ridley sea turtle nesting period, March 15 – September 30.

Jamaica Beach believes that the following avoidance and minimization measures will ensure that beach nourishment activities are **NOT LIKELY TO ADVERSELY AFFECT KEMP'S RIDLEY SEA TURTLES**.

1. An independent, qualified observer or observers will be hired by the City of Jamaica Beach to monitor all construction activities and monitor for the presence of threatened and endangered species.

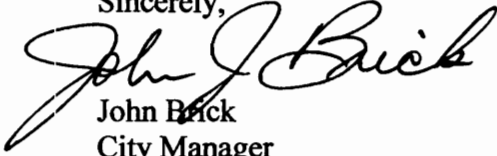
2. To prevent undetected nesting from occurring in the project area prior to construction, community volunteers will survey the beach adjacent to and along the project area at least twice daily for nesting sea turtles and their tracks beginning April 1, 2006 and continuing until construction begins. Volunteers will be required to attend a half-day training session to learn how to identify nesting sea turtles and what actions should be taken if sea turtles are observed.
3. The public will be encouraged to participate in the sea turtle nesting workshop sponsored by the Sea Turtle Restoration Project and NOAA Fisheries on March 25, 2006.
4. Educational signs will be displayed at various locations around Jamaica Beach and the project area, informing the public about nesting sea turtles and what actions should be taken if sea turtles are observed.
5. Work crews will be required to attend a half-day training session to learn how to recognize and avoid impacts to nesting sea turtles and what actions should be taken if sea turtles are observed.
6. Sand will be placed on the beach and maintained at a gradual slope to minimize scarping.
7. The City of Jamaica Beach will ensure that the independent monitor(s) survey the beach adjacent to and along work areas before work begins each morning and again after work concludes; and periodically throughout the day at such times deemed necessary by the independent monitor.
8. Sand will be transported directly from the upland borrow pit to the project area and immediately graded without stockpiling. No work will continue after dark.
9. The number of vehicles transiting from the upland areas to the work site will be kept to a minimum, all vehicles will use the same pathways, and access will be confined to the immediate project area.
10. No temporary, overnight storage of earth-moving equipment on the beach will be allowed. At the conclusion of each workday, vehicles will be parked on the county right-of-way.
11. Per the monitors discretion, all mud or wind tidal flats and/or the project area seaward of the mean high tide line will be restored to pre-construction slope or contours and all ruts leveled.

The above-mentioned avoidance and minimization measures will reduce the potential impact to other listed sea turtle species as well, which exhibit similar nesting characteristics. While it is unlikely that a loggerhead will nest at the project area, and even less likely that a green, hawksbill, or leatherback will nest in the project area, the potential for adversely impacting these sea turtle species is greatly reduced as a result of adhering to these avoidance and minimization measures.

Jamaica Beach is committed to protecting the community against the disastrous effects of erosion and storm events, but is also committed to proceeding with this project and other beach-restoration and shore protection activities in an environmentally responsible manner. Jamaica Beach respectfully requests that consideration of this variance be expedited.

Should you need additional information regarding this request for variance, please do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "John Brick". The signature is fluid and cursive, with the first name "John" and last name "Brick" clearly distinguishable.

John Brick
City Manager
City of Jamaica Beach

CC: Matthew Mahoney	TGLO
Catherine Yeargen	USFWS